GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 2397 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. G.H. Keluskar for Petitioner.

Mrs. S.S. Bhende, A.G.P. for State.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 02, 2005

P.C.

. It is the case of the petitioner that his property identified under Survey No. 450, Plot No. 312 with a structure thereon was acquired for submergence of the back water of Ujjain Dam in the year 1976-77. The possession of the land was taken from the Petitioner in the year 1976-77. The proceedings for acquisition were commenced in the year 1986-87. He was served with notice including under Section 9 (3) and (4) of the Land Acquisition Act. After that he has not received any notification. It is his case that though his land has been acquired and though as a part of rehabilitation, he was given a plot in the benefited zone no compensation for the land

acquired has been paid to him. He has made various representations and demands and inspite of that till date he has not heard from the respondents. In the light of that reliefs as prayed for.

. The respondents have not filed any reply. We therefore, proceed on the basis of the averments in the petition. As the averments remained unrebutted, the Petitioner will be entitled to reliefs which can be suitably modified. Considering that as no award has been made, petition made absolute in terms of Prayer Clause (1) and Respondent No. 1 is directed to make the award in respect of the petitioner's land within six months from today and service him notice on the award being passed under Section 12(2) of the land Acqusition Act. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)